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The Tulalip Tribes are the successors in interest to the Snohomish, Snoqualmie, and Skykomish tribes and other tribes and bands signatory to the Treaty of Point Elliott

March 28, 2014

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

RE: Washington Water Quality Standards and Human Health Criteria

Dear Governor Inslee,

In 1996, The Tulalip Tribes completed the first tribal fish consumption survey in Washington State, together with the Squaxin Island Tribe. This study, which was reviewed scientifically, indicates how much higher fish consumption rates are at Tulalip than those currently established for Washington. Our intent then, as it remains now, *eighteen years later*, is to protect the health of our members who consume, and who have always consumed, much larger portions of fish than is reflected and protected by Washington State's water quality standards. State water quality standards need to respect the treaty rights of tribes and the spiritual, nutritional, and economic ties of tribes to all types of seafood, without fear that consuming fish will increase our risk of cancer or other diseases from toxic chemicals.

Tribes have been on record multiple times stating that the fish consumption rate should be at least as high as the 175 grams per day (gpd) standard adopted by Oregon. There is abundant scientific evidence, including our study at Tulalip, to support this or a higher rate. The cancer risk rate works together with the fish consumption rate in water quality standards to protect human health. If the state increases the FCR to a more accurate level, but at the same time changes the acceptable risk rate for cancer-causing substances, none of us are being protected. Tribes have consistently stated to the Department of Ecology that it is necessary to keep other human health criteria variables in place while the state works to make the FCR more accurate. **Assigning a higher cancer risk rate in Washington is not any more acceptable than a flawed fish consumption rate.**

State standards for the cancer risk rate are currently set at one-per-million (10^{-6}). We are surprised and greatly dismayed that the State is considering raising the risk of cancer by ten-fold for every individual in Washington State. As the highest fish consumers, a ten-fold change in the cancer risk will affect Tulalip and other tribes in the State the most.

The Tulalip Tribes recognize that achieving improvements in water quality will require significant adjustments for some businesses and municipalities, and that compliance will take time. However,

we strongly assert that the just, necessary, and most rationale path forward is not in setting *lower* standards. Enabling dischargers to continue to operate at the expense of human health and our environment, using public resources, such as clean water, our "natural capital", to sustain and build their businesses **is not progressive or acceptable to us**. Instead, establishing scientifically-based and protective health standards, and providing dischargers flexibility in achieving them through an array of compliance tools is how we must move forward. We must also work to clean up existing contamination, and reduce other sources of toxic chemicals to help reach new standards. This approach is more consistent with Washington's reputation as a progressive State and an environmental leader, and is the only path that we, as tribal people, whose health depends on clean water and clean fish and shellfish, can consent to as we move forward.

We are aware of and appreciate the time and attention that you have personally given this issue. The Tulalip Tribes continue to offer their support in moving forward with protective standards and flexible compliance tools to achieve our mutual goals. In doing so, **we urge you to retain the protective cancer risk rate of 10^{-6} that Washington State has already adopted in law and focus on the establishment of an accurate fish consumption rate to go with it**. As stated before, we have been waiting a very long time for a commitment to this critical health issue – we urge you to make the right decision to protect the health of the people of Washington State.

Sincerely,

A handwritten signature in blue ink that reads "Melvin Sheldon". The signature is fluid and cursive, with the first name "Melvin" and last name "Sheldon" clearly distinguishable.

Melvin Sheldon.
Chairman

Cc: Maia D. Bellon, Director, Washington Department of Ecology (Transmitted via Email)
Dennis McLerran, EPA Region 10 Administrator (Transmitted via Email)
Tulalip Board of Directors (Transmitted via Email)
Ray Fryberg, Executive Director Natural Resources (Transmitted via Email)
Libby Halpin Nelson, Treaty Rights Office (Transmitted via Email)